IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 171 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2005 in WP No. 746 OF 2005 on the file of the High Court.)

Between:

Durgam Lingaiah, S/o.Ellaiah,
President MPP, Ramagundam,
R/o.Jayaram Village, Ramagundam Mandalam, Karimnagar District.

..... APPELLANT

AND

The Revenue Divisional officer, Peddapalli, Karimnagar District.

.....RESPONDENT

Counsel for the Appellant: Mr.A.SUDERSHAN REDDY

Counsel for the Respondent: GP FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT.

The Court made the following :

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ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

We have heard the learned counsel for the appellant and do not find any substance in the appeal, which we have heard without the order of the learned Single Judge, copy of which, has not been filed, and, the application for dispensation has been moved, which has been ordered.

The challenge is to the notice issued in Form-V to the members of the Mandal Parishad for consideration of the No Confidence Motion. Learned counsel for the appellant submits that the Rules relating to Motion of No-Confidence in Upa-Sarpanch of Gram Panchayat or Vice-President/President of Mandal Parishad or Vice-Chairperson/Chairperson of Zilla Parishad require a notice to be served upon the members in Form-V and Form V also requires a copy of the proposed Motion of No Confidence to be enclosed. He states that said copy of the proposed Motion of No Confidence should be in Form-II and Form II requires names and signatures of the two persons submitting notice of intention to make the motion before the concerned officer. What was accompanied with Form-V was not a copy of Form-II, but only extract thereof. Therefore, the notice calling the meeting itself is vitiated.

Rule 3 nowhere requires that a copy of the notice of motion to accompany form V. Form V in clear terms requires to state that a notice of intention to make motion-expressing lack of confidence has been delivered as required under sub-section (2) of Section 245 of the Andhra Pradesh Panchayat Raj Act. It further states that a copy of the proposed Motion of No Confidence is to be enclosed. Therefore, notice is given to the members fixing the date and place of meeting for consideration of the No Confidence Motion. A copy of the motion of no confidence also accompanied Form-V. It is sufficient compliance of the Rule and there is no violation thereof calling for any interference. The Writ Appeal, therefore, is dismissed.

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DEVINDER GUPTA, C.J.

28.1.2005.

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M.NARAYANA REDDY, J.

VR.

To.

1. The Revenue Divisional Officer, Peddapalli,

Karimnagar District.

2. Two CCs to Government Pleader for Panchayat Raj, High Court Buildings, Hyderabad (OUT).

3. Two CD copies.